

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL JERRY DUANE MCGEE, II,

Plaintiff,

v.

MADERA TOYOTA, CHEVERLET, et al.,

Defendants.

Case No.: 1:25-cv-00704-KES-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITH PREJUDICE

Doc. 5

Plaintiff Michael Jerry Duane McGee, II is a state prisoner proceeding pro se and in forma pauperis in this civil action pursuant to the False Claims Act, 31 U.S.C. § 3729 (“FCA”). The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 16, 2025, the assigned magistrate judge screened plaintiff’s complaint and issued findings and recommendations recommending that this action be dismissed for failure to state a claim. Doc. 5. Specifically, the findings and recommendations note that plaintiff, proceeding pro se, is prohibited from prosecuting FCA qui tam actions without retaining counsel. *See Stoner v. Santa Clara Cnty. Office of Educ.*, 502 F.3d 1116, 1127 (9th Cir. 2007). And in any event, plaintiff’s complaint lacks any factual allegations of fraud to state a cognizable FCA claim.

The findings and recommendations were served on plaintiff and contained notice that

1 objections were to be filed within fourteen (14) days of service. *Id.* at 7. Plaintiff has not filed
2 objections and the time to do so has expired.

3 In accordance with 28 U.S.C. § 636(b)(1), this Court has conducted a de novo review of
4 this case. After carefully reviewing the file, the Court finds that the findings and
5 recommendations are supported by the record and proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued June 16, 2025, Doc. 5, are ADOPTED in
8 full;
9 2. This action is DISMISSED with prejudice for failure to state a claim; and
10 3. The Clerk of the Court is directed to close this case.

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13 IT IS SO ORDERED.

14 Dated: September 15, 2025


UNITED STATES DISTRICT JUDGE